

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC.,

Defendant.

BLUE SPIKE, LLC,

Plaintiff,

V.

SOUNDHOUND, INC.

Defendant.

Civil Action No. 6:12-CV-499 LED

## JURY TRIAL DEMANDED

Civil Action No. 6:12-CV-537 LED

## JURY TRIAL DEMANDED

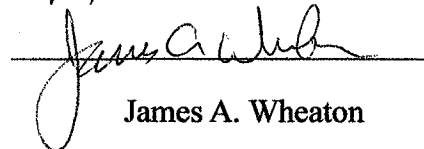
**DECLARATION OF JAMES WHEATON IN SUPPORT OF MOTION TO TRANSFER  
VENUE TO THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

I, James A. Wheaton, declare under penalty of perjury that the following is true and correct:

1. I am the Senior Engineer at third party Audible Magic Corp. ("Audible Magic"). I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could testify competently to these facts under oath.
2. I have worked at Audible Magic, and its predecessor company Muscle Fish, since the 1990s. During my employment, I have been named as an inventor on numerous systems and patents related to automated content recognition, including U.S. Patent No. 5,918,223 ("223 Patent"). I am informed that the '223 Patent may be prior art in this action, and that I may be asked to testify.
3. I reside and work in Northern California.
4. As the Senior Engineer at Audible Magic, I have significant work duties in Northern California that I must attend to, and it would be a burden for me to travel to the Eastern District of Texas to supply testimony in this case.
5. I have never traveled to the Eastern District of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on July 22, 2013 in Sebastopol, CA.

  
James A. Wheaton